THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No. 332 (M/S) of 2006
(Under Art. 226/227 of the Constitution of India)

Smt. Gurjeet Kaur, W/O Shri Ajit Singh
D/O Sri Hari Singh, presently residing at Panditwari,
P.S. Cantt. District Dehradun.

……**Petitioner.**

Vs.

1. The Principal Judge, Family Court, Dehradun.
2. S. Ajit Singh, S/O Sri Tara Singh,
   R/O House No. 1730, Sector No. 34-A, Chandigarh.

……..**Respondents.**

Sri Jitendra Chaudary, learned counsel for the petitioner.
Mr. Amit Bhatt, learned A.G.A. for the respondent no.1.

Date: June 12, 2006

P.C.: Hon'ble B.S. Verma, J.

By the means of the present writ petition, the petitioner has sought for issue an order or direction to the respondent no. 1 to decide the Case No.77 of 2003, Smt. Gurjeet Kaur Vs. S. Ajit Singh under Section 127 of the Code of Criminal Procedure (***for short the Code***) for enhancement of maintenance allowance pending in the Court of the Principal Jude, Family Court Dehradun, expeditiously within a time bound period.

According to the petitioner, she filed a criminal case under Section 125 of the Code against the respondent no.2 in the court of the respondent no.1, which was decided on 5-5-2001 directing the respondent-husband to pay maintenance allowance@ Rs. 500/- to the petitioner from the date of filing the petition. Subsequently, the petitioner filed Case No. 77 of 2003 against the respondent-husband under Section 127 of the Code and on 26.6.2003, notices were issued afresh to the respondent no.2, which could not be served. Ultimately by way of publication, the notice was served and the respondent no.2 put in appearance on 28-4-2005. It is alleged that the respondent has been adopting delay

tactics by seeking frequent adjournments in the case so as to harass the petitioner, hence this writ petition.

In the facts and circumstances of the case and taking into consideration that the case filed under the provision of Section 127 of the Code is pending for disposal since the year 2003, it will be in the fitness of things to direct the Respondent No. 1 to decide the Case No.77 of 2003, Smt. Gurjeet Kaur Vs. S. Ajit Singh under Section 127 of the Cr. P.C. expeditiously preferably within a period of four months from the date of production of certified copy of this order before the court concerned.

Accordingly, the Respondent No.1-Principal Judge, Family Court, Dehradun, is directed to decide the Case No.77 of 2003, Smt. Gurjeet Kaur Vs. S. Ajit Singh on merits expeditiously, preferably within a period of four months from the date of production of certified copy of this order. Both the parties shall co-operate in the expeditious disposal of the case before the court concerned.

With the above observations, the writ petition is disposed of finally.

RCP **(B.S. Verma, J.)**